

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARK A. HANSON,

Petitioner,

v.

WARDEN FARWELL, et al.,

Respondents.

Case No. 3:04-cv-00130-MMD-VPC

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

On March 27, 2006, the Court ruled that the first amended petition (dkt. no. 21) was a mixed petition, with some claims unexhausted but other claims exhausted. (Dkt. no. 44.) Petitioner moved for the issuance of stay and abeyance order under *Rhines v. Weber*, 544 U.S. 269 (2005) to return to state court to exhaust his claims. (Dkt. no. 45.) By order filed August 21, 2006, the Court granted petitioner's motion for a stay and this case was administratively closed. (Dkt. no. 49.)

Petitioner's further state-court proceedings having concluded, petitioner has now returned to this Court seeking to reopen this case. (Dkt. no. 54.) Petitioner seeks an order permitting him to file a second amended petition and directing respondents to file a responsive pleading. Respondents have filed a notice of non-opposition to petitioner's motion to reopen this case. (Dkt. no. 61.) Good cause appearing, this action is reopened and the Court now sets a further briefing schedule for this action.

It is therefore ordered that petitioner's motion to reopen this action (dkt. no. 54) is granted.

1 It is further ordered that, as the stay is lifted by this order, the Clerk shall reopen  
2 the file in this action.

3 It is further ordered that petitioner shall have sixty (60) days from the date of  
4 entry of this order to file and serve a second amended petition and any further exhibits.


5 It is further ordered that respondents shall have forty-five (45) days following  
6 service of the second amended petition to file and serve an answer or other response to  
7 the second amended petition.

8 It is further ordered that petitioner shall have thirty (30) days following service of  
9 the answer to file and serve a reply brief. If a dispositive motion is filed in response to  
10 the second amended petition, the parties shall brief the motion in accordance with Local  
11 Rule 7-2.

12 It is further ordered that the parties shall send courtesy (paper) copies of any  
13 further exhibits filed in this action to the Reno Division of this Court. Courtesy copies  
14 shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed  
15 to the attention of "Staff Attorney" on the outside of the mailing address label.

16 It is further ordered that petitioner's letter (dkt. no. 62), addressed to his counsel,  
17 the Federal Public Defender's Office, shall be stricken. Because petitioner is  
18 represented by counsel, he may not file *pro se* pleadings or other documents in this  
19 action, and he must proceed through his appointed counsel. Any further *pro se*  
20 documents that petitioner sends to the Clerk of Court shall be stricken.

21 DATED THIS 9<sup>th</sup> day of February 2015.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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